



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF LAND USE REGULATION  
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420  
Telephone: (609) 777-0454 or Fax: (609) 777-3656  
www.state.nj.us/dep/landuse

PERMIT



<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		Approval Date <b>AUG 14 2013</b>
		Expiration Date <b>AUG 13 2018</b>
Permit Number:  1922-13-0003.1 FHA130001 1922-13-0003.1 FWW130001 1922-13-0003.1 FWW130002 1922-13-0003.1 FWW130003	Type of Approval:  Individual Permit General Permit No. 2 General Permit No. 10A General Permit No. 11	Enabling Statutes:  N.J.S.A. 13:1D N.J.S.A. 13:9B N.J.S.A. 58:16A N.J.S.A. 58:10A-1 N.J.S.A. 40:55D-93-99
Permittee:  Zack Asadpour, NJDOT 1035 Parkway Avenue; P.O. Box 600 Trenton, NJ 08625		Site Location:  Block: N/A Lot: N/A Municipality: Township of Vernon County: Sussex
Description of Authorized Activities:  This permit grants authorization to replace the Route 94 bridge over an unnamed tributary to the Black Creek, to relocate utility lines, and to relocate a stormwater discharge within the Township of Vernon, Sussex County, New Jersey. This permit also authorizes 0.001 acres of permanent impacts to State Open Waters and 0.005 acres of temporary impacts to State Open Waters.		
Prepared by:  <i>Gabriel Mahon</i> Gabriel Mahon		Received and/or Recorded by County Clerk
THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT MAY BE UNDERTAKEN UNTIL THE PERMITTEE HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH HEREIN.		
This permit is not valid unless authorizing signature appears on the last page.		

## CONDITIONS APPLICABLE TO ALL LAND USE PERMITS

1. In accordance with applicable regulations, any person who is aggrieved by this permit or any of the conditions of this permit may request a hearing within 30 days after notice of the permit is published in the DEP Bulletin. This request must include a completed copy of the Administrative Hearing Request Checklist. The DEP Bulletin is available through the Department's website at <http://www.nj.gov/dep/bulletin> and the checklist is available through the Division's website at <http://www.nj.gov/dep/landuse/forms/lurpaahr.pdf>. In addition to the hearing request, a request may be filed with the Office of Dispute Resolution to engage in alternative dispute resolution. Please visit [www.nj.gov/dep/odr](http://www.nj.gov/dep/odr) for more information about this process.
2. The permittee, its contractors, and subcontractors shall comply with all conditions of this permit, supporting documents, and approved drawings.
  - i. Plans and specifications in the permit application and conditions imposed by this permit shall remain in full force and effect so long as the proposed development or any portion thereof is in existence, unless modified by the Department in writing;
  - ii. If this permit contains any conditions that must be satisfied prior to the commencement of construction, the permittee must comply with said conditions within the timeframe required by the permit or, if no timeframe is imposed, within six months of the effective date of this permit. If these timeframes cannot be met, then the permittee shall provide evidence satisfactory to the Department that such conditions cannot be satisfied; and
  - iii. Any noncompliance with this permit constitutes a violation and is grounds for enforcement action, as well as suspension and/or termination of this permit. This approval does not in any way affect the right of the State to seek and collect monetary penalties or to take other enforcement action should it be determined that a violation has occurred.
3. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with any condition of this permit.
4. The permittee shall take any and all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to this permit and/or from activities conducted that are not in compliance with this permit.
5. The issuance of this permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction, structure, or structures. Neither the State nor the Department shall, in any way, be liable for the loss of life or property which may occur by virtue of the activity of development resulting from any permit.



6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the permit application or in the conditions of this permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit.
7. This permit can be modified, suspended, or terminated for cause. The filing of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of this permit. Nor does it extend the expiration date of this permit.
8. This permit does not convey any property rights of any sort or any exclusive privilege.
9. A copy of this permit and other authorizing documents, including all approved plans and drawings, shall be maintained at the authorized site at all times and be made available to Department representatives or their designated agents immediately upon request.
  - i. The permittee shall also furnish to the Department within a reasonable time any information that the Department requests to determine compliance with this permit or to determine whether cause exists for suspension or termination of this permit; and
  - ii. The permittee shall also furnish to the Department, upon request, copies of records required to be kept as a result of this permit.
10. The permittee shall allow an authorized representative of the Department, upon notification under current rules and upon the presentation of credentials, to do the following:
  - i. Enter upon the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;
  - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
  - iii. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under this permit. Failure to allow reasonable access under this section shall be considered a violation of this permit and the applicable rules and shall subject the permittee to enforcement action; and
  - iv. Sample or monitor at reasonable times for the purposes of assuring compliance with applicable rules.
11. No change in plans or specifications upon which this permit is issued shall be made except with the prior written permission of the Department.
12. The permittee shall provide reports to the Department as follows:
  - i. Monitoring results shall be reported at the intervals specified elsewhere in this permit;

- ii. The permittee shall immediately report to the Department by telephone at (877) 927-6337 any noncompliance that may endanger public health or the environment. In addition, the permittee shall provide notice of all noncompliance to Bureau of Coastal and Land Use Compliance and Enforcement, 401 E. State Street, 4th Floor, P.O. Box 422, Mail Code: 401-04C, Trenton, NJ 08625, in writing within five business days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to any enforcement action taken by the Department if the project is found to be in violation of any chapter of the regulations under which this permit has been issued. The written notice shall include the following:
    - a. A description of the noncompliance and its cause;
    - b. The period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
    - c. Steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.
  - iii. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
13. For development that requires soil disturbance, the creation of drainage structures, or changes in natural contours, the permittee shall conduct operations in accordance with the latest revised version of "Standards for Soil Erosion Sediment Control in New Jersey," promulgated by the New Jersey State Soil Conservation Committee, pursuant to the Soil Erosion and Sediment Control Act of 1975, N.J.S.A. 4:24-42 et seq. and N.J.A.C. 2:90-1.3 through 1.14. The permittee must obtain any required approvals from the local Soil Conservation District prior to the start of construction.
14. If any condition of this permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect the public interest.
15. This permit is not transferable to any person unless the transfer is approved by the Department.
16. The permittee must obtain any and all other Federal, State and/or local approvals. Authorization to undertake a regulated activity under this permit does not indicate that the activity also meets the requirements of any other rule, plan, or ordinance. It is the permittee's responsibility to obtain all necessary approvals for a proposed project prior to the start of construction.



17. While the regulated activities are being undertaken, neither the permittee nor its agents shall cause or permit any unreasonable interference with the free flow of a regulated feature by placing or dumping any materials, equipment, debris, or structures within or adjacent to the regulated area. Upon completion or abandonment of the work, the permittee and/or its agents shall remove and dispose of in a lawful manner all excess materials, debris, equipment, silt fences, and other temporary soil erosion and sediment control devices from all regulated areas. Only clean non-toxic fill shall be used where fill is necessary.
18. All excavated material and dredged spoils shall be disposed of in a lawful manner, outside of any flood hazard area, riparian zone, regulated water, freshwater/coastal wetland, and adjacent transition area, and in such a way as to not interfere with the positive drainage of the receiving area.

#### CONDITIONS APPLICABLE TO FLOOD HAZARD RULES

19. All sediment barriers and other soil erosion control measures shall be installed prior to commencing any clearing, grading or construction onsite, and shall be maintained in proper working condition throughout the entire duration of the project.
20. In order to protect the general game fish within the tributary to Black Creek, no grading, construction or clearing is permitted within any watercourse onsite between May 1st and June 30th. Furthermore, any activity outside a watercourse, which would likely introduce sediment into the watercourse and/or increase its turbidity, is also prohibited during this period. The Department reserves the right to suspend all regulated activities onsite should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.
21. Raw, unset, or tremie concrete shall not come in contact with any surface waters onsite, since such contact can be toxic to aquatic biota.
22. Construction may only be performed in the dry or de-watered conditions. No work may be performed in the wet.
23. The existing migration patterns of aquatic life in the watercourse shall not be inhibited as a result of this project. This includes the maintenance and/or creation of a low-aquatic fish passage within the disturbed channel and throughout any proposed in-channel structure wherever possible. In addition, any disturbed areas of the channel shall be restored using native, non-acid producing soils and indigenous, non-invasive vegetation.
24. De-watering of cofferdams must include properly sized temporary sediment basins or other filtering methods to reduce turbidity. The stream area to receive return water discharged from cofferdams must be encompassed by a turbidity barrier. The turbidity barrier must be located parallel to the stream banks and anchored to the shoreline to maintain free flow of the stream center. In order to avoid obstruction of stream flows or fish passage, turbidity barriers must not be placed across the entire stream channel.

25. Vegetation within 50 feet of the top of the bank shall only be disturbed in the areas specifically shown on the approved drawing/s. No other vegetation within 50 feet of the top of any stream bank onsite shall be disturbed for any reason. This condition applies to all channels onsite regardless of the contributory drainage area.
26. Upon completion of the project, all temporarily disturbed areas within, 50 feet of the top of any stream bank onsite shall be restored to original topography and replanted with indigenous, non-invasive vegetation in accordance with N.J.A.C. 7:13-10.2(u).
27. For the purposes of this permit, the Department has determined that this project is not a Major Development as defined in the Stormwater Management rules at N.J.A.C. 7:8-1.2. Therefore, the Department did not review the proposed project for compliance with these rules.

#### CONDITIONS APPLICABLE TO FRESHWATER WETLANDS RULES

28. Construction equipment shall not be stored, staged or driven within any channel, freshwater wetland or transition area, unless expressly approved by this permit and/or described on the approved plans.
29. For any excavated area in freshwater wetlands, transition areas, and/or State open waters, the excavation shall be backfilled to the preexisting elevation, the uppermost 18 inches of the excavation shall be backfilled with the original topsoil material if feasible, the area above the excavation shall be replanted, in accordance with applicable BMPs, with indigenous species.
30. Any pipes laid through wetlands, transition areas, or State open waters shall be properly sealed so as to prevent leaking or infiltration; designed so as not to form a path for groundwater to be discharged or drained from the wetland and placed entirely beneath the pre-existing ground elevation.

#### 31. Provisions for Freshwater Wetlands General Permits 2, 10A, and 11

This portion of the permit authorizes the disturbance of **0.001 acres** of permanent impacts to State Open Waters and **0.005 acres** of temporary impacts to State Open Waters, for the reconstruction of Route 94 culvert over tributary to Black Creek, realignment of the underground gas main beneath the tributary to Black Creek, and reconstruction of the stormwater conveyance system and existing outfall under General Permits Nos. 2, 10A and 11 respectively. The authorization of activities under this Freshwater Wetlands Statewide General Permit includes a transition area waiver which allows encroachment only in that portion of the transition area which has been determined by the Department to be necessary to accomplish the authorized activities. In addition, this permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.

32. The drawings hereby approved are five (5) sheets prepared by Malick & Scherer, P.C., undated, unrevised, unless otherwise noted, entitled:

"NEW JERSEY DEPARTMENT OF TRANSPORTATION ROUTE 94 OVER  
TRIBUTARY OF BLACK CREEK CONTRACT NO. 039103830"

"PERMIT PLAN", sheet no. 4 of 18,

"PROFILES", sheet no. 5 of 18, last revised August 9, 2013,

"GRADES", sheet no. 6 of 18, last revised August 9, 2013,

"NEW JERSEY DEPARTMENT OF TRANSPORTATION BUREAU OF STRUCTURAL  
ENGINEERING STATE ROUTE 94 CONTRACT NO: 039103830"

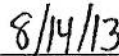
"GENERAL PLAN & ELEVATION", sheet no. 9 of 18, and

"CULVERT PLAN AND SECTIONS", sheet no. 11 of 18.

If you need clarification on any section of this permit or conditions, please contact our Technical Support Call Center at (609) 777-0454.



Peter DeMeo, Supervisor  
Division of Land Use Regulation



Date

Original sent to Applicant to record

C: Municipal Construction Official  
Municipal Clerk



## Cheney, Amber

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**To:** Rankin, Laine  
**Cc:** Jeyamohan, Jay; Thorn, Scott; Hawkinson, Bruce; Mudge, David; Sypko, Ihor; Osian, Edmund; Hebert, Melvin  
**Subject:** Pulaski - Historic Sites Council Process and Schedule

Hi Laine,

To follow up on your question regarding the Historic Site Council Process/Review Timeline, the procedures consist of the following steps:

- Submission of an Application for Project Authorization
- HPO review for determination of Encroachment *or* No Encroachment
- Review by the Historic Sites Council for those projects *deemed Encroachments* (likely Contracts 5 & 7). Projects that *do not* constitute an encroachment are approved administratively within approximately 45 days
- Final action by the Commissioner based on HPO and Historic Sites Council recommendations

The next HSC meetings are April 22, June 16, August 18 and Oct. 20 (and can be found at <http://www.nj.gov/dep/hpo/2protection/njrreview.htm>). We can't ask to be on the agenda until a complete Application for Project Authorization is submitted to the HPO for review. Therefore, it is imperative we receive CED requests as soon as possible, including a very detailed project description since we have no formal reports to reference.

**Jay/Scott:** I was mistaken on the number of CEDs mentioned at the Pre-Ad this morning. At our 3/3/16, it was decided that we would prepare 3 separate CEDs, as follows:

### Contracts 5 and 7 (Scott)

- Environmental Document for Contract 5 is due 6/3/06 and Contract 7 is due 8/11/16 (to go to construction April/May 2017)
- One Self-Certified CED
- State funded, no permits, Joe to certify, send CED in lieu of EO 215 Document to DEP Office of Permit Coordination (OPC).
- PRS/MERGE Report shows Contract 7 needing permits. **If permits are needed, Contract 7 can't be grouped with Contract 5**

### Contracts 6 and 9 (Jay)

- Environmental Document for Contract 6 is due 8/12/16 and Contract 9 is due 8/18/17 (to go to construction May/June 2018)
- One Approved CED
- State funded, federal permits (NEPA), send to CED to USCG and USACE to support their NEPA process.

### Contracts 8 (Jay)

- Environmental Document for Contract 8 is due 9/8/16 (to go to construction April 2018)
- One Approved CED
- State funded, federal permits (NEPA), send CED to USCG and USACE. **At the 3/3 meeting, there was mention that this project is over land, but the Merge Report shows permits. I'm a bit confused why Contract 8 isn't combined with Contracts 6 & 9. Does anyone know?**